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UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

John C. McMahon
PO Box 30069
Kansas City, Missouri 64112

In re Application of :
Mercedes Ballesteros Perdices et al :
Application No.: 10/801,511 :
PCT No.: PCT/ES03/000085 :
Int. Filing Date: 20 February 2003 : COMMUNICATION
Priority Date: 17 July 2002 :
Attorney's Docket No.: 10,404 :
For: PROCESS TO EXTRACT ... :
HYDROTHERMAL TREATMENT :

This application is before the PCT Legal Office for consideration of issues arising under 35 USC 371.

On 20 February 2003, applicants filed international application PCT/ES2003/000085, which claimed priority of an earlier application filed 17 July 2002. The thirty-month period for paying the basic national fee in the United States expired at midnight on 17 January 2005.

On 16 March 2004, applicants filed a transmittal letter which was accompanied by, *inter alia*, the utility filing fee of \$770.00, an executed declaration and a copy of the international publication. The application was assigned application number 10/801,511.

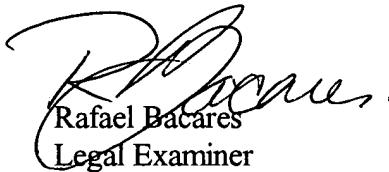
The executed Declaration of aforementioned application stated that it is a national stage of PCT and was directed to the specification in PCT/ES2003/000085. Thus, the application papers were being filed under 35 U.S.C. 371 as the national stage application of international application No. PCT/ES2003/000085.

The application, however, was improperly processed and treated under 35 U.S.C. 111(a). As such a NOTIFICATION OF ACCEPTANCE (Form PCT/DO/EO/903) was never mailed to applicants. In addition, applicants were charged \$770.00 the filing fee under 35 U.S.C. 111(a).

Because applicants' executed Declaration filed on 16 March 2004 clearly and ambiguously requested treatment under 35 U.S.C. 371 and complied with 37 CFR 1.497(a) and (b), the application should have been treated as a national stage application under 35 U.S.C. 371.

Accordingly, the aforementioned application is being converted to an application under 35 U.S.C. 371 at this time, and applicant's Deposit Account No.: 50-1253 has been charged \$150.00 as indicated in the transmittal letter on 16 March 2004 in order to cover the basic national fee of \$920.00.

In addition, because no NOTIFICATION OF ACCEPTANCE (Form PCT/DO/EO/903) has been mailed by the USPTO, this application is forwarded to the National Stage Processing for issuing a NOTIFICATION OF ACCEPTANCE and a new filing receipt. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **16 March 2004.**



Rafael Bacares

Legal Examiner

PCT Legal Office

Telephone: (571) 272-3276

Facsimile: (571) 273-0459